

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 RICKY DAMIAN JOHNSTON,

7 Defendant

Case No.: 2:14-cr-00366-APG-PAL

**Order for Amended Judgment**

8 The Ninth Circuit remanded this case to me to modify special conditions 6, 7, and 9 of  
9 the Judgment. ECF No. 84. The parties subsequently agreed on language for special conditions 6  
10 and 7, but could not reach an agreement on special condition 9. ECF Nos. 89, 90. I will revise  
11 special conditions 6, 7, and 9 as follows:

12 Special Condition 6: You must not view or possess any visual depiction as defined in 18  
13 U.S.C. § 2256(5) or any photograph, film, video, picture, or computer or computer-generated  
14 image, or picture, whether made or produced by electronic, mechanical or other means, of  
15 sexually explicit conduct as defined by 18 U.S.C. § 2256(2) involving children, or actual  
16 sexually explicit conduct as defined by 18 U.S.C. § 2257(h)(1) involving adults that would  
17 compromise your sex offense specific treatment. These restrictions do not apply to materials  
18 necessary to and used for any future appeals, or materials prepared or used for the purpose of sex  
19 offender treatment.


20 Special Condition 7: You must not have direct contact with any child you know or  
21 reasonably should know to be under the age of 18, not including your own children, without the  
22 permission of the probation officer. If you do have any direct contact with any child you know  
23 or reasonably should know to be under the age of 18, not including your own children, without

1 the permission of the probation officer, you must report this contact to the probation officer  
2 within 24 hours. Direct contact includes written communication, in-person communication, or  
3 physical contact. Direct contact does not include incidental contact during ordinary daily  
4 activities in public places.

5 Special Condition 9: You must not go to, or remain at, any place primarily used by  
6 children under the age of 18, unless you have the express prior permission of your probation  
7 officer. Examples of such prohibited places include parks, schools, playgrounds, and childcare  
8 facilities.

9 These conditions are justified by the following facts: Johnston admitted he has a  
10 “sickness” involving child pornography. PSR ¶ 14. He live-streamed videos of prepubescent  
11 girls and recorded them as they undressed and performed sexual acts. *Id.* ¶ 15. When he was 31  
12 years old, Johnston located a victim near a school, followed her for blocks, and exposed himself  
13 to her while masturbating. *Id.*, ¶ 40. These restrictions are necessary to protect the public and  
14 deter Johnston from committing crimes in the future, and they involve no greater deprivation of  
15 liberty than is reasonably necessary. I will enter an amended judgment reflecting these revised  
16 special conditions

17 DATED this 25th day of November, 2019.

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21 ANDREW P. GORDON  
22 UNITED STATES DISTRICT JUDGE  
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